

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

BARCLAYS BANK (SUISSE) S.A., CAIXABANK
S.A., as successor in interest to Barclays Bank S.A., and
ZEDRA TRUST COMPANY (JERSEY) LIMITED
(f/k/a Barclays Private Bank & Trust Limited),

Defendants.

Adv. Pro. No. 11-02569 (CGM)

STIPULATION AND ORDER

EXTENDING DEFENDANTS' TIME TO APPEAL

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), and Defendants Barclays Bank (Suisse) S.A., Caixabank S.A., as successor in interest to Barclays Bank S.A., and Zedra Trust Company (Jersey) Limited (f/k/a Barclays Private Bank & Trust Limited) (collectively, the “**Barclays Defendants**”), through their respective undersigned counsel.

RECITALS

- A. On February 25, 2022, the Barclays Defendants filed their *Motion to Dismiss the Amended Complaint* in this Adversary Proceeding, No. 11-02569 (CGM) [ECF No. 124].
- B. On July 15, 2022, following briefing by the parties and oral argument, this Court issued its *Memorandum Decision Denying Defendants’ Motion to Dismiss* [ECF No. 140].
- C. On July 21, 2022, based on the Memorandum Decision, this Court entered its *Order Denying the Barclays Defendants’ Motion to Dismiss the Complaint* [ECF No. 141] (the “**July 21, 2022 Order**”).
- D. Under Bankruptcy Rule 8002(a)(1), the last day on which the Barclays Defendants may file a notice of appeal from the July 21, 2022 Order is 14 days after entry of that order, *i.e.*, on August 4, 2022.
- E. The Barclays Defendants seek an extension of time to file such a notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.
- F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party’s motion that is filed within the time prescribed by Rule 8002, *i.e.*, by August 4, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension

to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to August 25, 2022.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to the Barclays Defendants' request to extend their time to appeal to August 25, 2022.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by the Barclays Defendants for an extension of time for filing (a) a notice of appeal from the July 21, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the "**Required Filings**"), through and including August 25, 2022 (the "**Extended Filing Deadline**").

2. The Trustee consents to the Barclays Defendants motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if the Barclays Defendants wish to appeal from the July 21, 2022 Order, the Barclays Defendants shall make the Required Filings by the Extended Filing Deadline.

Dated: New York, New York
July 22, 2022

/s/ David J. Sheehan

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